

Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Case: Z2000090 White Tank Nursery and Garden Center

Meeting Date: May 4, 2006

Agenda Item: 1

Supervisor District: 4

Applicant/Owner: Tom E. Russell, Ph.D.

Request: Removal of Z2000090 Special Use Permit

Existing Use: Wholesale Nursery and Garden Center

Site Location: Northeast corner of Bethany Home Road & Citrus Road (in the Glendale area)

Site Size: Approx. 7.16 acres

County Island Status: Class II (City of Glendale)

Summary of Conformance with Adopted Plans:

County Plan: The Maricopa County 2020 Comprehensive Plan refers staff to the City of Glendale General Plan-Policies for Lands West of the Agua Fria River.

City/Town Plan: The City of Glendale designates this site Low Density Residential, which allows residences on one-acre lots or larger and agricultural uses.

Support/Opposition: None known

Recommendation: **Removal of the SUP**

Discussion:

1. This request is for the applicant driven removal of the Special Use Permit that was approved on October 18th, 2000 to develop a retail plant nursery in the Rural-43. In a letter received by Maricopa County Planning Department, Mr. Tom Russell wrote: "I have decided to respectfully request termination of the above referenced SUP zoning effective May 1, 2006."
2. The Maricopa County Zoning Ordinance states that within a Rural-43 zoning wholesale nurseries and/or greenhouses are a use by-right. Article 501.2.17 states: "Plant nurseries and greenhouses for the propagation, cultivation and wholesale distribution of plants produced on the premises, provided such uses do not include retail sales. Open storage is limited to plants or packaged fertilizer, and the buildings and structures used in connection therewith set back from all lot lines a distance of not less than **50 feet**." Thus, a Special Use Permit to allow the operation of the site as a wholesale concern is not necessary.

Background:

3. **October 18, 2000:** The BOS approved a request for a Special Use Permit for a Retail Plant Nursery in the Rural-43 zoning district under Z2000090, the subject case. Approval was subject to the following stipulations:
 - a. Development and use of the site shall comply with the site plan entitled "White Tank Nursery and Garden Center", consisting of 1 sheet, dated (revised) August 23, 2000 and stamped received August 25, 2000 except as modified by the following stipulations.
 - b. Development and use of the site shall comply with the narrative report entitled "Special Use Permit Application for White Tank Nursery and Garden Center", consisting of 5 pages, dated (revised) August 7, 2000 and stamped received August 7, 2000 except as modified by the following stipulations.
 - c. The internal driveways and parking spaces shall be surfaced with a form of dust-proofing deemed acceptable by the Maricopa County Environmental Services Department at the time of zoning clearance.
 - d. The applicant shall provide Maricopa County Department of Transportation with a status report to evaluate dust control measures at the end of two years.

- e. The applicant shall submit a written report outlining the status of the development at the end of five years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- f. Dedication of additional rights-of-way to bring the total half-width dedication to 55' for Citrus Road and 40' for Bethany Home Road along the perimeter of the entire 40 acre site shall occur within 6 months of approval of this request by the Board of Supervisors, and prior to zoning clearance.
- g. Prior to zoning clearance, the applicant shall bond for improvements to Citrus Road.
- h. Development of the site shall include half-street improvements as deemed appropriate by the Maricopa County Department of Transportation to the ultimate width for Citrus Road along the perimeter of the site.
- i. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- j. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- k. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.
- l. Existing improvements may remain within new right-of-way until such time that public improvements necessitate their removal. The applicant shall relocate encroachments (to be in compliance with required site triangles) upon written notice from McDOT director.
- m. Prior to issuance of building permits, evidence of approval of the existing septic system must be furnished to the Maricopa County Environmental Services Department.
- n. Prior to issuance of building permits, an analysis of existing septic system capacity to serve additional fixtures must be furnished to the Maricopa County Environmental Services Department.

- o. Prior to issuance of building permits, the applicant shall provide to the Maricopa County Flood Control District an assurance that the tail-water retention pond will not receive any tail-water from surrounding agricultural fields.
- p. A drainage clearance must be obtained prior to issuance of a building permit.
- q. This Special Use Permit shall expire 15 years from the date of approval by the Board of Supervisors or upon termination of the use, whichever occurs first.
- r. Hours of operation for the use shall be 8 a.m. to 5 p.m. seven days per week.
- s. Major changes to this Special Use Permit must be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. The Department of Planning and Development may administratively approve minor changes.
- t. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- u. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.

Recommendation:

Staff recommends **removal** of Z2000090 for the following reasons:

- The applicant has requested said removal
- Reviewing agencies have no objections

jw/rk

Attachments:

Case map (1 page)
Vicinity map (1 page)
Original Z200090 staff report (9 pages)
Letter from applicant (3 pages)